

Cyprus : Lessons from the debacle of 2004; and the Way Ahead

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It is now a little over a year since the best chance of settling the Cyprus Problem in the forty-five years that it has been on the international Community's agenda was accepted by two-thirds of the Turkish Cypriots who voted, and rejected by three-quarters of the Greek Cypriots. This sad ending to nearly five years of intensive negotiations under the aegis of the United Nations, with the full backing of the European Union and all the main external powers which have traditionally played a role in Cyprus – Greece, Turkey, Britain and the United States – with the partial exception of Russia, leaves the island, as it has been now for two generations, divided and a bone of contention, causing problems well beyond its own borders. Since the referendums in April 2004, discussion of Cyprus has lapsed into the more normal pattern of the blame game, the main difference from earlier periods being that the Greek Cypriots, usually the Olympic champions at that game, have been on the receiving end of most of the blame while the Turkish Cypriots have occupied the high ground. The United Nations and the outside players have retired to their tents, discouraged by the miserable denouement to so much hard diplomatic labour.

Now that the dust has settled a little, it is probably as good a moment as any to draw some conclusions from the 2004 debacle and to look ahead to the prospects for what remains as essential an objective as it has ever been, albeit in a changed context since Cyprus became a member of the European Union, the search for a comprehensive solution which would reconcile the conflicting interests of the two peoples on the island and of their two motherlands. I will not describe all the stations of the cross on that *via dolorosa*, which a number of us trod between 1996 and 2004, and which I have set out in *Cyprus: The Search for a Solution* (2004); rather I will try to draw the lessons for the future. Above all I will not suggest, because that is not my view, that the problem is somehow insoluble, that we should just learn to live with it and stop trying to solve it. To do that

would, I suggest, be very shortsighted; and it would not work. Cyprus neglected has a tendency to bite you on the ankle, as many of the countries involved can bear witness to over the years.

The first conclusion to be drawn is that the technical complexity of the issues on the negotiating table – a territorial adjustment to the benefit of the Greek Cypriots, the governance of a bi-zonal federal state, its status and continuity, the issues of property claims and those of security – can no longer be said to be intractable obstacles to reaching a settlement. The Annan Plan, in all five of its successive iterations, represents a comprehensive and self-executing set of arrangements firmly situated within the framework laid down in the High Level Agreements of 1977 and 1979 and drawing on the Set of Ideas, which was at the heart of the negotiations in the early '90's. That explains why to diverge too far from the Annan Plan, which is not the same as to adjust it here and there in a carefully balanced manner, would be a course doomed to failure. As Kofi Annan himself has never tired of saying, there simply is not an alternative approach out there waiting to be discovered and negotiated. If there had been, it would have been found long ago.

But a second conclusion to be drawn is that any package of this complexity inevitably contains a large number of compromises and of departures from the pure milk of political rhetoric on both sides. So long as either party approaches such compromises and departures as if this was a zero-sum game in which any concession to the views or interests of one side is inevitably an equivalent loss or damage to that of the other, there will never be a solution. But a re-united Cyprus, firmly embedded in the European Union, would not be a zero-sum game. It would offer major benefits to all concerned, well beyond any that can be achieved so long as the island remains divided. A more prosperous Turkish Cypriot community would be to the benefit, not to the detriment of Greek Cypriots. An island where the security concerns of the two communities could be achieved by measures which, unlike the status quo, are not seen as threatening by the other, would be of net benefit to both.

Then, thirdly, there is the vexed issue of the involvement of outsiders in the working out of any settlement. It is an article of faith for most Cypriots, on both sides of the Green Line, that they are not masters of their own fate, that they are in some way pawns of the machinations of others. I would certainly not suggest that there is no foundation for that view. The original independence settlement of 1959/60, the Greek coup of 1974 and the Turkish intervention which followed it, were all events which owed more to outsiders than to Cypriots. But, since then, the picture is a good deal less clear-cut. The principal obstacle on the Turkish side to any settlement that might conceivably have been negotiable was the democratically elected leader of the Turkish Cypriots, Rauf Denktaş. On the Greek side it was the Greek Cypriots who rejected from office two presidents, George Vassiliou and Glafcos Clerides, each of whom was close to reaching a settlement; and of course it was they who voted "no" in last year's referendum. So Cypriots on both sides are a good deal more responsible for their present predicament than they are prepared to admit. Nevertheless it has to be recognised that external involvement in the negotiation of a settlement has perhaps been excessive, if only because it provides such an easy scapegoat for anyone who wishes to oppose what is on the table. In future it would be better for such involvement to be less prominent, even if, given the total absence of any sign of the Cypriots themselves being able or willing to reach a settlement on their own, it does remain essential.

And that raises a fourth conclusion, the fact that it was a fundamental error in the period 2003/04 to have moved away from an approach which required the administrations on both sides to be firmly committed to a solution and to promoting it when it was put to referendum votes – the approach which was in the first two versions of the Annan Plan, but not in versions three, four or five. The reason for moving away from that approach was very clear. It was that Rauf Denktaş was simply not prepared to be so committed; and thus the only way of testing the opinion of the Turkish Cypriots to the settlement plan – and one which had the support of the Turkish Cypriot government

and that of Turkey – was to move ahead without that prior commitment. In the case of the Turkish Cypriots it came out positively, despite Rauf Denktash himself campaigning against the Plan. But, unfortunately, it opened the door on the Greek Cypriot side to an identical situation in which President Papadopoulos and his coalition partners AKEL campaigned against the Plan; and they did so successfully. Not for the first nor the last time Denktash and Papadopoulos worked in tandem. Be that as it may, it is surely compellingly clear that, the next time a set of proposals is put to the vote, the administrations on both sides must be committed to it in advance. And with the departure of Rauf Denktash from the political scene one of the main obstacles to that has been removed.

One more conclusion emerges from this tangled tale and that is that at no stage was the sequencing between the applications of both Cyprus and Turkey to join the EU and the negotiations for a comprehensive settlement of the Cyprus problem synchronised to the best advantage. One approach much favoured by armchair critics would have been for the EU to have made the settlement of the Cyprus Problem a precondition for Cyprus' accession to the EU. The trouble about that was that it would have given Denktash and a succession of Turkish governments a veto over Cyprus' EU accession, a veto which neither of them showed the slightest hesitation about using; moreover such a course was unacceptable to successive Greek governments, whose parliament was required to ratify the wave of accessions of which Cyprus was one small part. For both reasons therefore this course was never a starter. The less straightforward alternative was to ensure that the settlement negotiations came to a head before Cyprus' EU accession was finally settled but not before the EU had given Turkey sufficient encouragement in its own EU application to bring it firmly up against the fundamental incompatibility between its European aspirations and its support for Denktash's rejectionist policy. In the event Denktash's ferocious rearguard action ensured that every one of the key milestones on Cyprus' approach to EU membership was passed without the settlement negotiations coming to a head and thus without any effective pressure being brought to bear on the Greek Cypriots; and by the time the EU was ready to give real encouragement to Turkey's application

and a Turkish government was in office which gave absolute priority to the pursuit of that application, the leverage derived from Cyprus' candidate status had declined almost to zero. This particular conclusion has no direct relevance to the way ahead but it is an important reminder of how tightly inter-woven are the prospects for a Cyprus solution and the evolution of the EU's enlargement policy. If Turkey's European aspirations were now to be frustrated then one out of many seriously negative consequences would be the fading, perhaps the disappearance, of prospects for a Cyprus settlement.

So much for the lessons to be drawn from the past. What about the way ahead? Perhaps inevitably, in the past year or more since the referendums, little has moved. The Turkish Cypriots have confirmed, through parliamentary and presidential elections, their commitment to a settlement based on the Annan Plan and have again rejected the Denktash prescriptions. The Greek Cypriot government has continued to reject the Annan Plan in terms so sweeping as to encompass pretty well every piece of what was thought of as common ground in the previous decades of negotiations. The United Nations, quite understandably and with the support of its leading members, has argued that it makes no sense and would indeed be counter-productive to resume a negotiating process at a time when one of the parties was expressing fundamental disagreement with the framework under discussion – an identical position to that taken towards Denktash when he broke up the negotiations in March 2003 at The Hague. Just recently there have been the first, faint signs of a desire by the Greek Cypriots to come back to the table; but it is still far too soon to assume that they are ready to look for a negotiably few and balanced changes to the Annan Plan – all the more so since they have so far systematically declined to set out in detail what changes they are seeking. All this points towards exercising great caution about any early resumption of formal negotiations. Another setback would be really damaging; nor are there in the near future the sort of time-lines which justified in 2003/04 the attempts to bring a re-united rather than a divided Cyprus into the EU. So it would be better for the UN, which remains the indispensable interlocutor and which has full EU support, to feel

its way forward and to ensure that, when negotiations are resumed, it is with the full commitment of both sides to reaching a settlement on the basis of the Annan Plan, no doubt with certain adjustments.

Meanwhile it is important to strengthen and to further develop contacts between politicians and parties in all four of the main protagonists – Greek Cypriots, Turkish Cypriots, Greeks and Turks. Through such an intensified series of dialogues it may prove possible to identify and to feel out, but not to negotiate, adjustments to the Annan Plan. Some of its provisions may gradually fall out of date, some may, on further examination, be seen to have unintended and undesirable consequences. There may well be changes which would be of genuine benefit to one side while not in any way being to the detriment of the other. Another purpose of such a network of dialogues would be to abandon and bury once and for all the absurd rhetoric used by both sides and their backers to refer to the other. This is not a question of changing or recognising status – that will no doubt have to await a settlement – but rather of substituting the language of civilised political discourse between the leaders of the two constituent states of a future re-united federal Cyprus and their nearest neighbours for the insults and sneers of the present terminology.

In addition there is much that could be done to narrow the gap between the two parts of the island. The opening of the Green Line in 2003 has shown how unilaterally decided confidence building measures, not negotiated measures which now, as so often in the past, risk diverting attention away from a settlement and running onto the rocks of status and recognition, can contribute to that. So can implementation of the far too long delayed commitment by the EU to aid and trade measures to the benefit of the north. Does it really make sense to continue to link the two issues, as Turkey and the Turkish Cypriots are doing? I rather doubt it. Is it not urgent to engage EU funds in building up the infrastructure of the north and helping its economy to develop? But does it make sense either to put pettifogging and politicised obstacles in the way of trade and communications between the north

and the rest of the European Union as the Greek Cypriots are doing? I doubt that too. An increase in the prosperity of the Turkish Cypriots is not going to make them any less desirous of a settlement and full integration in the European Union; and is it not also going to benefit Greek Cypriots? Another way of narrowing gaps would be for the Turkish Cypriots and the European Commission to make rapid progress over adoption of the *acquis communautaire* in the north, thus bringing it into line with legislation and administrative practice in the south. Would it not also help to draw some of the poison from the issue of property claims if the Turkish Cypriots were to begin unilaterally to implement the property provisions of the Annan Plan which they have accepted? If some modest returns of property owners to north and south could take place and if some progress along the no doubt long and tortuous process of settling compensation for others could be made, would not that facilitate the resumption of negotiations in due course?

Some might consider the approach I have hinted at unduly dilatory and un-ambitious. It certainly will take some time to come to fruition and will require considerable patience and perseverance on all sides. But what are the alternatives? Some Greek Cypriots see Turkey's EU accession negotiations as a means of extracting concessions without making any themselves. There is loose talk of blocking each chapter in those negotiations as it comes for approval. But I doubt if that would work. The lion's share of these negotiations is in the hands of the Commission who will, no doubt, do a skilful professional job. A veto will not stop a chapter from effectively being settled, nor the Commission from moving on to the next chapter. And is it in the Greek Cypriots' interest to slow down or to accelerate Turkey's negotiations? I would argue the latter, since it is Turkey's accession to the EU which in the end makes a settlement of the Cyprus problem necessary and inevitable.

To say more at this stage would be to run counter to my own advice that outsiders should not play too prominent a role in any resumed negotiation process. Certainly I think it would be extremely unwise and premature to start canvassing publicly possible adjustments to the Annan Plan, which

would only court instant rejection and the usual war of words through press statements from each side. In the longer term I would not be pessimistic, subject to one important caveat. That relates to Turkey's accession to the EU. If, for whatever reason, that process were to falter or to be blocked, then the prospect of a solution to the Cyprus problem would recede, perhaps to that time known as the Greek Kalends. So there is yet another reason, among many, in favour of keeping Turkey's accession negotiations on track.

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